

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1459 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 utilities and transportation and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 4-12-1-14.2 IS AMENDED TO READ AS
- 7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14.2. Notwithstanding
- 8 any other law, all oil overcharge funds received from the federal
- 9 government are annually appropriated to the division of family and
- 10 children for the division's use in carrying out the home energy
- 11 assistance program. The amount of this annual appropriation for a state
- 12 fiscal year is equal to:
- 13 (1) the total amount necessary to carry out the program during
- 14 that fiscal year, **including any amount needed to provide a**
- 15 **temporary source of funding for the energy assistance**
- 16 **contingency fund under IC 12-14-11.1;** minus
- 17 (2) the amount of federal low income energy assistance funds
- 18 available for the program during that state fiscal year.
- 19 SECTION 2. IC 4-12-1-14.4 IS ADDED TO THE INDIANA CODE
- 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 21 1, 2003]: Sec. 14.4. (a) As used in this section, "heating fuel sales"
- 22 means all residential and commercial sales of natural gas and
- 23 heating oil for heating purposes.
- 24 (b) As used in this section, "baseline measure" means:

(1) forty-nine and one hundred ninety-two thousandths percent (49.192%) of the state gross retail tax collected on heating fuel sales between July 1, 1999, and June 30, 2002, as determined by the department of state revenue; divided by (2) three (3).

(c) Notwithstanding any other law, there is annually appropriated to the energy assistance contingency fund established by IC 12-14-11.1-1 an amount equal to:

(1) forty-nine and one hundred ninety-two thousandths percent (49.192%) of the state gross retail tax collected on heating fuel sales during the preceding fiscal year as determined by the department of state revenue; minus (2) the baseline measure.

SECTION 3. IC 6-2.5-10-1, AS AMENDED BY P.L.192-2002(ss), SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) The department shall deposit those collections in the following manner:

(1) Fifty percent (50%) of the collections shall be paid into the property tax replacement fund established under IC 6-1.1-21.

(2) **Except as provided in subsection (c)**, forty-nine and one hundred ninety-two thousandths percent (49.192%) of the collections shall be paid into the state general fund.

(3) Six hundred thirty-five thousandths of one percent (0.635%) of the collections shall be paid into the public mass transportation fund established by IC 8-23-3-8.

(4) Thirty-three thousandths of one percent (0.033%) of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.

(5) Fourteen-hundredths of one percent (0.14%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.

(c) **The department shall transfer forty-nine and one hundred ninety-two thousandths percent (49.192%) of the state gross retail taxes that are collected on heating fuel sales (as defined in IC 4-12-1-14.4(a)) to the auditor of state for distribution to the energy assistance contingency fund established by IC 12-14-11.1-1. The auditor of state shall hold all amounts transferred by the department under this subsection and shall distribute the amount determined under IC 4-12-1-14.4(c) to the energy assistance contingency fund on or before June 30. On July 1, the auditor of state shall transfer the remaining amount to the department for deposit in the state general fund."**

Page 5, after line 9, begin a new paragraph and insert:

"SECTION 6. IC 12-14-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. The home energy

1 assistance programs are to provide assistance, including emergency  
2 assistance, to low income households in Indiana to:

- 3 (1) defray home energy costs; and
- 4 (2) ~~provide assistance to low income households; for implement~~  
5 home energy conservation measures.

6 SECTION 7. IC 12-14-11-5 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. The division shall do  
8 the following:

- 9 (1) Administer an appropriation made for the purposes specified  
10 in section 4 of this chapter.
- 11 (2) Receive and administer money that may be available to the  
12 state for energy and conservation assistance from the federal  
13 government.
- 14 (3) Establish criteria to determine eligibility for assistance under  
15 this chapter.
- 16 (4) **Administer the energy assistance contingency fund**  
17 **established by IC 12-14-11.1-1.**

18 SECTION 8. IC 12-14-11.1 IS ADDED TO THE INDIANA CODE  
19 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2003]:

21 **Chapter 11.1. Energy Assistance Contingency Fund**

22 **Sec. 1. There is established the energy assistance contingency**  
23 **fund.**

24 **Sec. 2. As used in this chapter, "dwelling" means an individual**  
25 **residence, including a manufactured home or a room or**  
26 **combination of rooms, with facilities for living for a single**  
27 **household.**

28 **Sec. 3. As used in this chapter, "eligible household" means a**  
29 **household whose income is at or below two hundred percent**  
30 **(200%) of the most recently determined poverty income guidelines**  
31 **established by the Federal Office of Management and Budget, as**  
32 **revised periodically by the United States Secretary of Health and**  
33 **Human Services under 42 U.S.C. 9902(2).**

34 **Sec. 4. As used in this chapter, "fund" refers to the energy**  
35 **assistance contingency fund.**

36 **Sec. 5. As used in this chapter, "grantee" means a party with**  
37 **whom the division contracts to provide services under this chapter.**

38 **Sec. 6. As used in this chapter, "home energy" has the meaning**  
39 **set forth in IC 12-14-11-2.**

40 **Sec. 7. As used in this chapter, "home energy efficiency**  
41 **measure" means a particular device, technology, or service that is**  
42 **installed or used at the dwelling of an eligible household to reduce**  
43 **the amount of home energy consumed by the household for heating**  
44 **or cooling. The term includes materials used in building design or**  
45 **retrofitting.**

46 **Sec. 8. As used in this chapter, "household" means any**  
47 **individual or group of individuals who live together as a single**

1 economic unit and who:

- 2 (1) purchase home energy in common; or  
 3 (2) make undesignated payments for home energy in the form  
 4 of rent.

5 Sec. 9. The division shall administer the fund in accordance with  
 6 IC 12-14-11. The division shall allocate the fund between low  
 7 income home energy assistance and low income home energy  
 8 efficiency measures.

9 Sec. 10. (a) Notwithstanding section 9 of this chapter, the  
 10 division shall allocate at least twenty-five percent (25%) of the  
 11 fund to low income home energy efficiency measures.

12 (b) The division shall use not more than ten percent (10%) of  
 13 the allocation under subsection (a) for program administration.  
 14 The division shall make available at least fifty percent (50%) of the  
 15 program administration funds to grantees.

16 (c) Notwithstanding subsection (b), the division may provide an  
 17 additional five percent (5%) of the allocation under subsection (a)  
 18 to grantees for program administration if the division determines  
 19 that the additional amount is necessary to effectively administer  
 20 the program.

21 Sec. 11. (a) Notwithstanding section 9 of this chapter, the  
 22 division shall allocate not more than seventy-five percent (75%) of  
 23 the fund to low income home energy assistance.

24 (b) The division shall distribute not more than ten percent  
 25 (10%) of the allocation under subsection (a) to grantees for  
 26 program administration.

27 (c) The division shall distribute not more than five percent (5%)  
 28 of the allocation under subsection (a) to grantees for program  
 29 support.

30 Sec. 12. (a) The division may designate to the fund all or a part  
 31 of the oil overcharge funds appropriated under IC 4-12-1-14.2 if  
 32 the appropriation to the fund under IC 4-12-1-14.4 is delayed due  
 33 to a delay by the department of state revenue in collecting the gross  
 34 retail tax on heating fuel sales.

35 (b) If the division makes a designation under subsection (a), the  
 36 division shall pay the designated amount to the oil overcharge fund  
 37 after the division receives the appropriation under IC 4-12-1-14.4.

1       **Sec. 13. Any money remaining in the fund at the end of a fiscal**  
2       **year does not revert to the state general fund.**

3       **Sec. 14. The division may adopt rules under IC 4-22-2 to**  
4       **implement this chapter."**

5       Renumber all SECTIONS consecutively.  
      (Reference is to HB 1459 as printed February 27, 2003.)

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Representative Frizzell